

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of New Mexico



United States of America)

v.)

Eric R. Powell)

Case No.)

16-MJ-3725)

Defendant(s)

FILED
At Albuquerque NM

OCT 06 2016

MATTHEW J. DYKMAN
CLERK

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 4, 2016 in the county of Sandoval in the
District of New Mexico, the defendant(s) violated:

Code Section

18, USC 1708
18, USC 1704

Offense Description

Theft or receipt of stolen mail matter generally
Keys or locks stolen or reproduced

This criminal complaint is based on these facts:

Please see attached affidavit

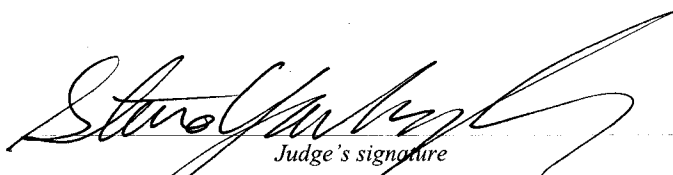
☒ Continued on the attached sheet.

Complainant's signature

Stephanie Herman, Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/06/2016

Judge's signature

City and state: Albuquerque, NM

Steven C. Yarbrough US Magistrate Judge

Printed name and title

AFFIDAVIT

UNITED STATES DISTRICT COURT)
)
DISTRICT OF NEW MEXICO) SS

I, Stephanie Herman, having been duly sworn, hereby depose and state as follows:

1. I am a duly authorized postal inspector with the United States Postal Inspection Service and have been so employed since March 1998. I am currently assigned to the US Postal Inspection Service, Phoenix Division, Albuquerque, New Mexico Domicile.
2. This affidavit is made in support of a complaint against ERIC R. POWELL in connection with an investigation into Theft or receipt of stolen mail matter generally, and Keys or locks stolen or reproduced in violation of Title 18, United States Code, Sections 1708 and 1704. This affidavit does not contain all of the information known to your affiant; rather, it contains information necessary to establish probable cause for the violations charged.
3. On October 4, 2016, Detective C. Railey with the Rio Rancho Police Department (RRPD) contacted Inspector Ryan Calvert to advise he had an individual in custody who was in possession of two counterfeit United States Postal Service (USPS) Arrow keys and stolen mail. Inspector Cornelius Smith and I responded to the police department and met with Detective Railey. Detective Railey told us that officers were dispatched to the Hilton Garden Inn, 1771 Rio Rancho Blvd, SE in Rio Rancho regarding fraudulent identification used to rent room 434. Officers went to the room and contacted a male subject, later identified as Eric Powell. Mr. Powell provided the officers with a counterfeit New Mexico Driver's License Extension and told them his name was Sebastian. Officers identified the subject as Eric Powell and arrested him on an outstanding warrant. A search of Mr. Powell's person produced two counterfeit USPS arrow keys. Officers learned that an Infiniti QX4 bearing a New Mexico license plate NJF-669 in the parking lot of the hotel belonged to Mr. Powell. Mr. Powell was transported to the police station to be interviewed.
4. Officers made contact with a female subject in the same room. The identity of this subject, hereinafter referred to as V.H. is known to me. She told officers that the male subject was Eric Powell. While speaking with V.H., officers saw a large amount of US Mail in the room. Officers saw that the mail was not addressed to V.H. or Mr. Powell. V.H. was transported to the Rio Rancho Police Department to be interviewed.
5. Detective Railey stated he interviewed V.H. and she stated that she was invited to Mr. Powell's hotel room in the middle of the night and that they planned to go to a casino. Detective Railey said V.H. stated she did not see any mail in the room when she arrived. She told him she had narcolepsy and had fallen asleep. She told Detective Railey that no one else had been in the room. V.H. was released from the police department.

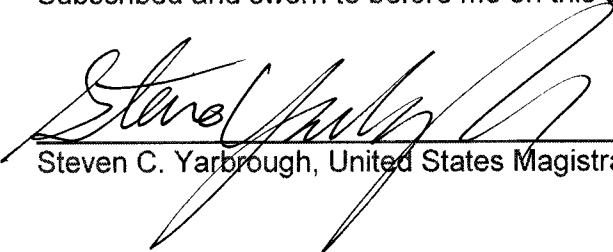
6. Detective Railey said he interviewed Mr. Powell and he stated that he got the keys from a person hereinafter referred to as J.W. and that they were keys for the quarter machines at car washes. Detective Railey stated Mr. Powell said J.W. brought the mail into the room.
7. I was already familiar with Mr. Powell prior to the events of October 4, 2016 as described above. Inspector Ryan Calvert and I interviewed Mr. Powell on July 22, 2016 regarding a mail theft investigation and a search of a hotel room at a Motel 6 in Northwest Albuquerque on June 3, 2016. In that case, a room was rented using a victim's name and credit card. A search of that room produced counterfeit USPS Arrow keys, a large amount of stolen mail and New Mexico Driver's License Extensions in different names with Mr. Powell's photo. During his July 22, 2016 interview, Mr. Powell denied being involved with the theft of the mail.
8. On October 4, 2016, Inspector Smith and I interviewed Mr. Powell. He stated he needed a place to stay but he did not have an ID and he knew there was a warrant for his arrest so he contacted J.W. for assistance. He stated that J.W. made the reservation online and provided him with a paper ID in the name of S.N... Mr. Powell stated that J.W. met him at the Hilton Garden Inn and gave him the ID in the parking lot. Mr. Powell stated that he checked into the room and paid with a gift card. Mr. Powell explained that people give him gift cards in exchange for heroin. He stated he took a second key out to J.W. and then J.W. left. Mr. Powell stated that his friend, V.H., was with him at the hotel. Mr. Powell stated that J.W. returned to the room at approximately 1:00am and brought a black tub of mail inside. Mr. Powell stated that sometime before the police arrived, J.W. woke him and told him he'd be back. Mr. Powell stated that he got the keys from J.W. He stated J.W. told him they were for change machines at car washes but Mr. Powell stated he knew they were for mailboxes.
9. Mr. Powell stated that he does not "mailbox", which is a term used to describe the act of stealing mail. He stated he has been around mail theft because everyone seems to be doing it. He stated that he was sitting on the bed in the hotel room with V.H. while J.W. went through the mail. He stated he took the keys from J.W. in case he needed to use them and added that he knew someone who would pay good money for them. Mr. Powell stated he never used or attempted to use a key to steal mail. He stated he plays the part sometimes so he can get a place to stay. Mr. Powell stated that he was in possession of the keys when he was arrested.
10. Mr. Powell stated that he purchased the 2000 Infinity SUV parked at the hotel from V.H. He stated he titled it in his name but had not registered it yet. He stated that V.H. was driving her 2003 Acura. He stated that there was no mail in either vehicle.
11. Mr. Powell stated that he uses approximately .5 grams of heroin a day. He stated he injects it and smokes it. He stated that he sometimes sells small amounts of heroin to friends to make a little extra money but he is not a dealer.
12. On October 4, 2016, Detective Railey obtained a warrant authorizing the searches of the 2000 Infinity QX4 and the hotel room. Inspector Smith and I

assisted with the searches. The search of the Infinity QX4 produced stolen mail, a printer and Amazon and Visa gift cards. The search of the hotel room produced a large amount of stolen mail including debit/credit cards, multiple New Mexico Temporary Identification Cards in different names bearing Mr. Powell's photo, computers, a printer, cellular phones, tablets and drug paraphernalia among other items.

13. On October 5, 2016, I contacted B.B. because packaging addressed to her and S.V.H, which I recognized as packaging for checks, was recovered from Mr. Powell's Infinity QX4 and checks in her name and the name of S.V.H. were recovered from the hotel room. B.B. stated that she was expecting a new order of checks but hadn't received them. She stated that she did not give anyone permission to have her checks or her mail.
14. Based on the information provided in this affidavit, I believe there is probable cause to believe that ERIC R. POWELL was in violation of Title 18, United States Code, Sections 1708 Theft or Receipt of Stolen Mail Matter Generally and 1704, Keys or locks stolen or reproduced.


Stephanie Herman, Postal Inspector

Subscribed and sworn to before me on this 6th day of October, 2016


Steven C. Yarbrough, United States Magistrate Judge